

**REMARKS**

The Examiner's recognition of Applicants' invention by the allowance of claims 12-14 and 16-20 is gratefully acknowledged.

Applicants are also grateful to Examiner Winner for the courtesy shown by him during a telephone interview with Applicants' counsel on May 27, 2004. Applicants sought clarification of the grounds of rejection and any suggestion the Examiner might have for an amendment to overcome the rejection. The Examiner informed counsel that he has transferred and that, while he still carries responsibility for the subject application, he would need to consult with others in the relevant art group. At the Examiner's suggestion, an amendment is being presented to recite that the air bag is "mounted" on the front pillar, as opposed to "adapted for mounting." In the event that this amendment is not deemed to overcome the rejection, Applicants request that the Examiner call the undersigned so that the Examiner's concerns may be better understood and addressed.

Claim 33 is cancelled as substantially duplicative of claim 21.

*Claim Rejection under 35 USC § 102(b) based on Suyama et al.*

Claims 22, 24 and 30-32 stand rejected under 35 U.S.C. § 102(b) as anticipated by United States Patent No. 5,575,497, issued to Suyama et al. in 1996.

Suyama et al. shows air bag devices that are mounted in seats. The rejection points to col. 3, lines 65-67, and Fig. 3A. The several devices A<sub>D</sub> to A<sub>N</sub> in Figs. 3A through 3G are mounted in the seat back S<sub>1</sub>, col. 3, lines 63-65. This is consistent with the intended object of

deployment into the clearance between the occupant and the side door, col. 4, lines 7-8. However, this seat back design does not suggest mounting a device on the front pillar of the vehicle, as in Applicants' invention. The rejection contends that devices in Suyama et al. have the ability to perform as in Applicants' invention. However, the air bag in Suyama et al. is designed to develop forwardly and inwardly, col. 4, lines 2-5. Suyama et al. also shows mounting of the air bags in the roof in Figs. 7C through 7G. In each instance, though, the device is mounted to the side of the occupant, well back from the front pillar that extends between the windshield (above the instrument panel P) and the door D. The practitioner would readily perceive that the devices in Suyama et al., if mounted on the front pillar, would not provide meaningful protection for the occupant without a redesign of the air bag. Suyama et al. implicitly recognized this by suggesting locations that are back from the front pillar. When fairly read, nothing in the reference points the practitioner to an air bag device that can be mounted on the front pillar, and it is only with the benefit of hindsight that the rejection attempts to construe the reference as suggesting Applicants' invention.

Claim 12 is directed to Applicants' frontal air bag system that includes a frontal air bag. The claim has been amended to say that the air bag is mounted on the front pillar of the vehicle. The rejection contends that the reference anticipates the claim. However, in air bags systems, the standard for performance is meaningful protection of the occupant, and Suyama et al. does not show an air bag device that has an "ability to perform" when mounted on the front pillar, except if redesigned for that purpose following disclosure of Applicants' invention. Thus, Suyama et al. does not teach, or even suggest Applicants' invention as set forth in claim 1.

Since the reference does not anticipate Applicants' invention in claim 1, it follows that it cannot anticipate the invention in claims 22 and 30-32 dependent upon claim 1.

Accordingly, it is respectfully requested that the rejection of claims 21-22 and 30-32 based upon Suyama et al. be reconsidered and withdrawn, and that the claims be allowed.

*Claim Rejection under 35 USC § 103 based upon*

Claims 23, 25, and 26-29 were rejected under 35 U.S.C. § 103 as unpatentable over Suyama et al. when combined with a second reference, which, depending on the particular claim, is one of United States Patent No. 6,234,517, to Miyahara et al. in XXX, United States Patent No. 5,615,909, to Wipasuramonton et al. in 1997, United States Patent No. 6,050,596, issued to Boerger et al. in 2000, or United States Patent No. 5,884,937, to Yamada in 1999.

Claims 23, 25 and 26-29 are dependent upon claim 21. For the reasons set forth above, the primary reference, Suyama et al., does not teach or suggest an air bag system comprising a frontal air bag mounted on a vehicle front pillar and inflated in front of the occupant, as in Applicants' invention. Neither do the secondary references make up this deficiency.

Miyahara et al. shows an air bag 18 that is mounted to the roof rail 4, col. 3, lines 27-28. It is noted that the reference itself distinguishes the roof rail from the front pillar 1, col. 2, lines 36-37, and Fig. 1. When deployed, the air bag 18 extends downward between the side of the vehicle and the head of the occupant, col. 4, lines 38-40. The roof rail- mounted, side air bag in Miyama et al. does not point to a frontal air bag that deploys sideways in front of the occupant, and so cannot suggest Applicants' invention.

Wipasuramonton et al. also shows an air bag mounted in the seat, similar to Suyama et al. and in marked contrast to Applicants' front pillar mounting. The air bag deploys to the side of

the occupant, as opposed to the front of the occupant as in Applicants' air bag. Thus, there is nothing in the combination to suggest Applicants' invention.

Boerger describes a gas delivery means 10 that includes a reservoir 11 in juxtaposition with an air bag 30, col. 3, lines 9-32, and Fig. 1. Boerger teaches that the reservoir is mounted in the dashboard, steering wheel or door, col. 3, lines 17-18. Nothing in Boerger suggests mounting onto the front pillar so as to make up the deficiencies of Suyama et al.

Yamada describes an air bag device that is designed to deploy to the side of the occupant, col. 60-64. Nothing in the reference contemplates a frontal air bag that deploys downward and sideways to the front of the occupant.

Thus, even if combined, there is no teaching in the secondary references to point the practitioner from the seat or roof mounted devices in Suyama et al to a front-pillar-mounted, front-occupant-deployed air bag, which is Applicants' invention. Without these features, the references cannot be fairly read as rendering obvious Applicants' invention as set forth in claim 1, or claims 23 and 25-29 dependent thereon.

Therefore, it is respectfully requested that the rejection of the claims under 35 U.S.C. § 103 be reconsidered and withdrawn, and that the claims be allowed.

*Conclusion*

It is believed, in view of the amendments and remarks herein, that all grounds of rejection of the claims have been addressed and overcome, and that all claims are in condition for allowance. If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas D. Fekete", is written over a horizontal line.

Douglas D. Fekete  
Reg. No. 29,065  
Delphi Technologies, Inc.  
Legal Staff – M/C 480-410-202  
P.O. Box 5052  
Troy, Michigan 48007-5052

(248) 813-1213